

December 13, 2005

Via Electronic Comment Filing System

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: CC Docket No. 02-6
Request for Review by the SEED Public Charter School of Washington, D.C.
(Entity No. 200459) of Decision of Universal Service Administrator

Dear Ms. Dortch:

The SEED Public Charter School of Washington, D.C. ("SEED School"), by its attorneys and pursuant to Section 54.720 of the Commission's Rules, 47 C.F.R. § 54.720, hereby respectfully requests the Commission's review of the decision of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC"), by letter of October 14, 2005, to deny the SEED School's appeal of a prior SLD determination ("Appeal Decision," a copy of which is attached hereto as Exhibit One). Specifically, the appeal concerned SLD's denial, by letter notice dated May 26, 2005, of SEED School's Form 486 for Funding Year 2003 (July 1, 2003 – June 30, 2004) ("SLD Decision"), ("Cancellation Decision," a copy of which is attached hereto as Exhibit Two.)

USAC appears to have based its initial cancellation of the SEED School's Form 486 on the claimed failure to provide the name of an SLD-certified entity that approved the school's technology plan for Funding Year 2003. See Exhibit Two. On appeal, and as discussed in greater detail below, the SEED School provided USAC with information demonstrating that the subject Form 486 had in fact provided the name of the appropriate, SLD-certified entity for the approval of technology plans of D.C. Public Charter Schools

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
December 13, 2005
Page 2 of 7

such as the SEED School.¹ In the Appeal Decision, SLD again faulted SEED School for failure to provide the name of an SLD-certified entity and, for failure to timely provide USAC with an approval letter from that SLD-certified technology plan approver.

As explained below, the SEED School did in fact provide the name of an SLD-certified technology plan approver, the DC Public Charter School Board, when it filed its Form 486, and timely provided USAC with a copy of the DC Public Charter School Board's letter approving the school's technology plan for the E-Rate program (the "Approval Letter"). Moreover, with respect to the timing of SEED School's submission of the Approval Letter, the Appeal Decision announces, for the first time, a deadline for that submission, that is specified nowhere in the Commission's Rules or in the Form 486 or its instructions. Accordingly, the SEED School requests that the Commission grant this Request for Review and approve its Form 486 for Funding Year 2003.

I. Background

Created by the SEED Foundation in 1998, the SEED School is a public charter school in Washington, D.C. that offers intensive academic and boarding education to 320 urban students in grades seven through twelve.

On June 30, 2003, USAC issued a funding commitment decision letter ("FCDL") approving the SEED School's Form 471 for Funding Year 2003 (Form 471 Application Nos. 372552 and 374617). See Exhibit Three. On or about August 20, 2003, within 120 days after receiving its FCDL for Funding Year 2003, the SEED School filed a Form 486 to request funding for telecommunications and other services for Funding Year 2003. A copy of the SEED School's Form 486 for Funding Year 2003 is attached as Exhibit Four. Block 4, Item 8 of Form 486 requires the applicant to certify that its technology plan has been approved before it receives any E-rate supported services covered by the Form 486. See Exhibit Four. In its Form 486 for Funding Year 2003, the SEED School listed "The DC Public Charter School Board" as the organization that reviewed and approved its technology plan. Id. The Form 486 was signed by Mr. John Ciccone, Assistant Head of SEED School. Id.

USAC certified the DC Public Charter School Board as an approver of technology plans for the participation of District of Columbia public schools in the Schools and

¹ Due to the size of SEED School's appeal filing, it is not attached to this request for review. Many of the documents that were attached to that filing are attached as Exhibits hereto. A copy of the appeal filing will be submitted to the Commission upon request.

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
December 13, 2005
Page 3 of 7

Libraries Universal Support Mechanism on December 12, 2000. (See listing of DC Public Charter School Board as certified Technology Plan Approver, indicating an SLD Certification Date of December 12, 2000, from the "Certified Technology Plan Approver Locator" at www.sl.universalservice.org, attached as Exhibit Five.) The DC Public Charter School Board notified the SEED School that it approved the SEED School's technology plan on May 21, 2002, prior to the service start date for the subject funding request numbers ("FRNs"). A copy of this notice, the previously-referenced Approval Letter, is attached as Exhibit Six.

After the SEED School submitted its Form 486, USAC staff contacted the SEED School by telephone to obtain a letter from an SLD-certified Technology Plan Approver evidencing its approval of the SEED School's technology plan. In response, on or about October 29, 2003, Mr. Ciccone faxed to USAC a copy of the Approval Letter. A copy of this fax transmission, including an additional copy of the Approval Letter, is attached as Exhibit Seven.

On May 26, 2005, USAC notified the SEED School that it decided to cancel the SEED School's Form 486 for Funding Year 2003 because the name of the technology plan approver provided in Block 4, Item 8 of the Form 486 submitted was not an SLD-certified approver for the SEED School. The Cancellation Notice also stated that the SEED School had been unable to provide USAC with a letter from such an approver. On July 25, 2005, the SEED School appealed the Cancellation Notice. The SEED School explained that it provided the name of an SLD-certified technology plan approver, the DC Public Charter School Board, and produced a copy of the Approval Letter and fax cover sheet that it sent to USAC staff.

On October 14, USAC denied the SEED School's appeal. In the Appeal Decision, USAC explained that the SEED School did not demonstrate that it had a letter of approval signed by the SLD-certified technology plan approver. USAC further explained that the SEED School did not submit any specific evidence "to support that the documentation in question was mailed prior to the filing deadline." USAC did not specify to which filing deadline this statement referred.

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
December 13, 2005
Page 4 of 7

II. Request for Review

A. The SEED School Provided the Name of an SLD-Certified Technology Plan Approver.

USAC's May 26, 2005 Cancellation Decision stated that USAC was unable to process the SEED School's Form 486 because "[t]he name of the Technology Plan Approver provided in Block 4, Item 8 of the Form 486 submitted is not an SLD-certified approver for your organization, prior to the commencement of service." The Cancellation Decision informed the SEED School that it could visit the "Certified Technology Plan Approver Locator" available on the SLD section of USAC's web site to find an appropriate approver and resubmit its Form 486 with a copy of a letter of approval from such an approver.

As explained in its letter appealing the Cancellation Decision, when the SEED School searches for an approver for public schools in Washington, D.C. using the Certified Technology Plan Approver Locator on USAC's web site, the only result produced is the DC Public Charter School Board, which SLD certified on December 12, 2000. See www.sl.universalservice.org and Exhibit Three. The SEED School listed the DC Public Charter School Board as its SLD-certified Technology Plan Approver in Block 4, Item 8 of its Form 486. See Exhibit Two.

B. The SEED School Timely Provided a Letter of Approval from an SLD-Certified Technology Plan Approver.

The Cancellation Decision further stated that the SEED School was unable to provide USAC with a letter from such an approver. As an initial matter, we note that Block 4, Item 8 of the Form 486 filed by the SEED School for Funding Year 2003 does not require the applicant to submit a letter of approval from an SLD-certified Technology Plan Approver; it only asks that the applicant certify that the technology plan(s) for the services received as indicated on the Form 486 have been approved as necessary and list the name of the organization(s) that reviewed and approved the technology plan(s). In any event, upon the request of USAC staff, the SEED School provided a copy of the approval letter from its SLD-certified Technology Plan Approver, the DC Public Charter School Board, on or about October 29, 2003. See Exhibit Five. This letter is dated May 21, 2002, prior to the service start date for the subject FRNs. The SEED School provided a copy of this letter within 120 days of receiving its funding commitment letter from USAC on June 30, 2003.

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
December 13, 2005
Page 5 of 7

C. USAC has Provided Unclear and Inconsistent Explanations of any Deficiencies in the SEED School's Form 486.

USAC has not made clear to the SEED School what information the school must provide in order to satisfy the Form 486 filing requirements. The Cancellation Decision and the Appeal Decision specify different reasons for cancellation of the school's Form 486. The Cancellation Decision, in particular, appears to refer to purported deficiencies in the school's Form 471 application, for which USAC had already issued a funding commitment letter.

The Cancellation Decision explains that the SEED School did not provide the name of an SLD-certified technology plan approver and refers to Section 54.504(c)(1) of the Commission's rules, which requires an authorized person to certify that the applicant's technology plan as been or will be approved "by a state or other authorized body." Subsection (c)(1) of Section 54.504 of the Commission's rules, 47 C.F.R. § 54.504(c)(1), did not exist at the time SEED School filed its Form 486. The Commission added subsection (c)(1) to Section 54.504 by Order dated September 13, 2004. Even in its modified form, Section 54.504(c)(1) applies only to the filing of Form 471. The SEED School's Form 471 for Funding Year 2003 was previously reviewed by USAC, and USAC issued a funding commitment letter on June 30, 2003 based on that Form 471. See Exhibit Three. In any event, Block 4, Item 8 of Form 486 requests the name of the entity approving the applicant's technology plan, and SEED School completed that item with the required information. See, Exhibit Four.

The Appeal Decision states that the SEED School "[has] not submitted any specific evidence to support that the documentation in question was mailed prior to the filing date." Presumably, the "documentation" referred to in this sentence is the SLD-certified technology approver letter, but it is not clear. As noted above, there is no requirement in the Commission's rules that an applicant provide such a letter – or any other documentation – from the approver, or that any such letter be mailed prior to a certain filing date. Similarly, neither Form 486 nor the instructions thereto require the submission of such a letter; the Form, as approved by the Office of Management and Budget ("OMB"), requests only that the approver be identified in Block 4, Item 8. In any event, the SEED School provided a copy of its approval letter from its SLD-certified technology plan approver to USAC upon USAC's request.

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
December 13, 2005
Page 6 of 7

The next paragraph of the Appeal Decision states that "the required information was not received before the deadline." It is not clear to what "the required information" refers. However, assuming "the required information" refers to a letter from an SLD-certified technology plan approver, it is unclear what "deadline" USAC is referring to, as the SEED School's Form 486 was timely filed and there was no requirement in the Commission's Rules, an OMB-approved information collection,² or to the best of SEED School's knowledge, elsewhere, that a letter be filed with the Form 486. USAC further confuses matters by citing the Commission's *Waikiki* decision, in which the Commission determined that Waikiki Elementary School did not prove that it timely filed its Form 471. *Request for Review by Waikiki Elementary School*, Order, 17 FCC Rcd 664 (Jan. 14, 2002). However, as stated above, the SEED School timely filed its Form 471, received a FCDL from USAC based on that Form 471, and timely filed its Form 486.³

In short, the SEED School timely filed all of the required Forms, with all information required by the Commission's Rules and the applicable Forms. SEED School further provided additional supporting information – that is, the Approval Letter – to USAC upon USAC's request. If there are any "deficiencies" in the SEED School's Form 486, the reason would be USAC's failure to provide applicants with notice of what was required to accompany the subject Form 486. The failure to provide adequate notice of the requirements for an application is grounds for reversal of a denial of that application. As the Court of Appeals for the D.C. Circuit has held, "fundamental fairness requires that an exacting application standard, enforced by the severe sanction of dismissal without consideration on the merits, be accompanied by full and explicit notice of all prerequisites for such consideration." *Salzer v. FCC*, 778 F.2d 869, 871-72 (D.C. Cir. 1985); *see Radio Athens, Inc. (WATH) v. FCC*, 401 F.2d 398, 404 (D.C. Cir. 1968). Since the Commission's Rules and the relevant Forms are silent with respect any "requirement" of submitting a letter from the technology plan approver, the SEED School cannot be said to have received any notice, let alone the "full and explicit notice" required by law.

Moreover, at no time since the Form 486 was filed in August of 2003 has USAC clarified its position. The language of the Appeal Decision is ambiguous and contains several potential interpretations. *See Salzer* at 875. Even if the Appeal Decision was

² No information collection that lacks OMB approval can be enforced against a party. *See* 44 U.S.C. § 3512; *Portland Cellular Partnership*, 11 FCC Rcd 19997 (1996).

³ At no time has SLD even suggested that the subject Form 486 was not mailed within the 120 days of the FCDL as required by the Form 486 instructions and indeed, the SEED School mailed the subject application within less than sixty days after the FCDL.

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
December 13, 2005
Page 7 of 7

clear, however, administrative due process requires that an applicant not be sanctioned for failing to comply with requirements that were not articulated until well after its filing. "An agency cannot ignore its primary obligation to state its directives in plain and comprehensible English. When it does not live up to this obligation, we will not bind a party by what the agency intended, but failed to communicate." *McElroy Electronic Corp. v. FCC*, 990 F.2d 1351, 1353 (D.C. Cir. 1993). The fact that USAC is a corporation does not preclude it from being subject to due process standards in its administration of a federal program. See *Lebron v. Nat'l R.R. Passenger Corp.*, 513 U.S. 374 (1995).

For the foregoing reasons, the SEED School respectfully requests that the Commission reverse the Appeal Decision, and direct USAC to grant the SEED School's Request for Review and approve its Form 486 for Funding Year 2003.

Thank you for your time and attention to this matter. If you have any questions about this request, please contact Christine McLaughlin or Ellen Traupman, Venable LLP, 575 7th Street NW, Washington, DC 20004, tel 202-344-4000, fax 202-344-8300, email cmclaughlin@venable.com or etraupman@venable.com.

Sincerely,



Christine McLaughlin
Ellen E. Traupman

Enclosures

cc. Mr. John Ciccone
Mr. Raj Vinnakota
Universal Service Administrative Company

EXHIBIT ONE



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2003-2004

October 14, 2005

Christine McLaughlin
Venable LLP
575 7th Street Northwest
Washington, DC 20004

Re: Applicant Name: SEED SCHOOL
Billed Entity Number: 200459
Form 471 Application Number: 372552
Form 486 Application Number: 486 Not Certified
Funding Request Number(s): 1024733, 1024759, 1024798, 1024832, 1024869
Your Correspondence Dated: July 25, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2003 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1024733, 1024759, 1024798, 1024832, 1024869
Decision on Appeal: Denied
Explanation:

- On your appeal, you indicate all the FRN(s) were canceled due to failing to provide the name of an SLD-certified Technology Plan Approver. You explain that SEED School did provide the name of the SLD-certified Technology Plan Approver to SLD. You close by requesting USAC to void its cancellation decision and approve SEED School's Form 486 for Funding Year 2003.
- Upon review of your appeal letter and all relevant supporting documentation, it was determined that SLD correctly denied FRNs 1024733, 1024759, 1024798, 1024832, 1024869 which are all Internal Connections and do require a Technology Plan. FRNs 1024733, 1024759, 1024798, 1024832, 1024869 were canceled during the Form 486 review, for failing to provide the Letter of

Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey 07981
Visit us online at: www.sl.universalservice.org

Approval signed by the SLD-certified Technology Plan Approver. You have not demonstrated that you have a Letter of Approval signed by the SLD-certified Technology Plan Approver. It is the applicant's ultimate responsibility to ensure the accuracy of the information submitted during the application process.

- You have not submitted any specific evidence to support that the documentation in question was mailed prior to the filing deadline. Therefore, your appeal is denied.
- SLD has determined that the required information was not received before the deadline. Without specific evidence to support that the documentation was mailed to SLD prior to the close of the filing window, SLD may not consider the documentation as timely. In the FCC's Waikiki decision, even though Waikiki claimed that it had mailed its Form 471 within the same package as other timely applications, the Commission determined that Waikiki was not able to demonstrate that the Form 471 was submitted on such a date. The Commission specifically noted that an applicant must "overcome the presumption of accuracy inherent in SLD's procedures for processing applications." Request for Review by Waikiki Elementary School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, Order DA 02-74, 17 FCC Rcd. 664 at ¶ 4 (rel. Jan. 14, 2002).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, New Jersey 07981
Visit us online at: www.sl.universalservice.org

John Ciccone
Seed School
4300 C Street Southeast
Washington, DC 20019

Billed Entity Number: 200459
Form 471 Application Number: 372552
Form 486 Application Number: 486 Not Certified

EXHIBIT TWO



Universal Service Administrative Company
Schools & Libraries Division

Form 486 Cancellation Notification Letter
Funding Year 2003: (July 1, 2003 - June 30, 2004)

05/26/2005

JOHN CICCONE
THE SEED SCHOOL
4301 C STREET SE
WASHINGTON, DC 20019

NCS Bar Code: NEC48608-25-0308200110
Applicant Form Identifier: 4861024733
Form 486 Application Number: 231664

Dear JOHN CICCONE:

This letter is to notify you that the Schools and Libraries Division (SLD) of the Universal Service Company (USAC) has canceled your FCC Form 486, Receipt of Service Confirmation Form, identified above. We are unable to process your form for the reason stated below.

- The name of the Technology Plan Approver provided in Block 4, Item 8 of the Form 486 submitted is not an SLD-certified approver for your organization. FCC rules require the technology plan to be approved by an SLD-certified Technology Plan Approver, prior to the commencement of service. See C.F.R. 54.504(c)(1). In our contacts with you, you have been unable to provide us with a letter from such an approver. Please use the "Certified Technology Plan Approver Locator" available on the SLD section of the USAC web site at www.sl.universalservice.org to locate an appropriate approver. Once an SLD-certified approver has reviewed and approved your technology plan, you may resubmit your Form 486 with a copy of the Letter of Approval. The Service Start Date reported on the Form 486 should be on or after the date of the approval. Any adjustments to the Service Start Date reported on the Form 486 will be calculated based on the receipt date of the new form you certify online or the postmark date of the new form or certification page you submit on paper.

The Form 486 MUST be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of your FCDL, whichever is later, in order to receive discounts retroactively to the Service Start Date.

If the Form 486 is postmarked later than the above deadline, the date 120 days before the Form 486 postmark date will become the start date for discounted services on those Funding Requests featured on the Form 486. SLD will not provide discounts for the services rendered prior to the new start date and will reduce the funding commitment for the relevant FRN as appropriate.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - Form 486 Application Number assigned by the SLD as reported above,
 - "Form 486 Cancellation Letter" and the funding year (located at the top of this letter), AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by the SLD's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on our web site at www.sl.universalservice.org. Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973) 599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Complete program information is posted to the SLD section of the USAC web site at www.sl.universalservice.org. Information is also available by contacting the SLD Client Service Bureau by e-mail using "Submit a Question" feature on the web site, by fax at 1-888-276-8736, or by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

Enclosure:
FCC Form 486

EXHIBIT THREE

CANCEL**Schools and Districts Service Program****Services Ordered and Certification Form 471
Application Status Display****Entity Number:**
200459**Funding Year: 2003****For an explanation of your Application Status, please scroll down to the
Explanation table below.**

Entity Number	Application Number	Application Status
372552	471SEED6PriorityTwo	FCDL Issued - 06/30/2003
374617	471 SEED6PriorityOne	FCDL Issued - 06/30/2003

Application Status	Explanation
Canceled	Your Form 471 has been canceled. No further action will be taken on this form.
Incomplete	Block 1 of your Form 471 has been successfully data entered. However, no further action will be taken on this form until it is completed and certified (whether online or on paper) and moves to Certified - In Window status.
Complete	THIS STATUS IS FOR ONLINE FILERS ONLY: You have clicked the "Submit" button to file your Form 471, but the Block 6 certification process (whether online or on paper) has not been completed.
Certified - In Window	Your Form 471 was successfully certified within the filing window for the Funding Year and is awaiting assignment for Initial Review.
Certified - Out of Window	Your Form 471 was certified outside of the filing window for the Funding Year.
Initial Review	Your Form 471 has been assigned for Initial Review and is being reviewed for compliance with program rules by Program Integrity Assurance (PIA). All applications must receive both an Initial Review and a Final Review. NOTE: Your Form 471 may return to Initial Review status at any time before a Funding Commitment Decision Letter is issued.
Available for Final Review	Your Form 471 review has completed Initial Review and is awaiting assignment for Final Review. All applications must complete both an Initial Review and a Final Review.
Final Review	Your Form 471 has been assigned for Final Review. All applications must receive both an Initial Review and a Final

	Review. NOTE: Your Form 471 may return to Final Review status at any time before a Funding Commitment Decision Letter is issued.
Available for Quality Assurance	Your Form 471 has completed Final Review. Your Form 471 may be assigned for Quality Assurance Review. Quality Assurance Review verifies that the Initial Review and Final Review procedures were properly performed.
Quality Assurance 1	Your Form 471 has been assigned for a first-level Quality Assurance Review. Quality Assurance Review verifies that the Initial Review and Final Review procedures were properly performed.
Quality Assurance 2	Your Form 471 has been assigned for a second-level Quality Assurance Review. Quality Assurance Review verifies that the Initial Review and Final Review procedures were properly performed.
Held for Contact Person (see note below)	Your Form 471 is on hold because PIA was unable to reach the contact person listed on the Form 471. For more information, please refer to the document <u>Deadline for Information Requests</u> posted in the Reference Area of this web site. If you wish to have PIA re-contact you regarding your pending application, click the "Held for Contact Person" link in the Application Status column above.
Held for Policy Guidance	Your Form 471 is on hold because we need additional policy guidance from the FCC. Once we have received the necessary guidance, we will continue to process your Form 471.
FCDL Issued - 'xx/xx/xxxx'	We have issued a Funding Commitment Decision Letter (FCDL) on the date indicated that references one or more Funding Requests from this Form 471. If more than one FCDL has been issued, the date indicated is the date of the most recent FCDL.

If your status is "Held for Contact Person" and you wish to have PIA re-contact you regarding pending application, click the "Held for Contact Person" link.

Previous

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EXHIBIT FOUR

FCC Form
486

486 08-25-03 8200110



FY 08

NEC48608-25-0308200110

Approval by OMB
3060-0853

Schools and Libraries Universal Service Receipt of Service Confirmation Form

FCC Form 486: To be completed by the Billed Entity
Please read instructions before completing.Estimated Average Burden Hours For First Submission: 15.0 hours
For Subsequent Submissions: 1.5 hours

Applicant's Form Identifier

4861024733

(Create your own code to identify THIS Form 486.)

Block 1: Billed Entity Information

1. Name of Billed Entity

THE SPEED SCHOOL

2. Billed Entity Number

200459

3. Funding Year

2003

4. Complete Mailing Address of Billed Entity

Street Address, P.O. Box or Route Number

4300 C STREET SE

City

WASHINGTON

State

DC

Zip Code

20019

Telephone Number

202

248

7773

8973

Extension

Fax Number

202

248

3021

Email Address



0486010103

1-3719634

Cap
2

Entity Number	200451	Applicant's Form Identifier	4861024733
Contact Person	John Cicccone	Phone Number	202-248-3016

5. Contact Person Information

Contact Person Name

JOHN CICCONE

Street Address, P.O. Box or Route Number

The Sacred School
4301 C STREET SE

City

WASHINGTON

State

Zip Code

DC 20019

Check the box next to the preferred mode of contact. (At least one box MUST be checked.)

☒ Telephone Number

Extension

☐ Fax Number

202 248 3016

202 248 3021

☐ Email Address

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

NOTICE: The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the form will be used to inform the Schools and Libraries Division of the Universal Service Administrative Company that a billed entity, and/or the schools and libraries that it represents, has begun or has planned to begin to receive service after receiving a funding commitment approval pursuant to FCC Form 471.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of an FCC statute, regulation, rule or order, your application may be referred to the federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party in a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you do not provide the information requested on the form, your application may be returned without action or your application may be delayed. The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 15.0 hours for the first submission and 1.5 hours for subsequent submissions, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.



Car
9/22

Entity Number	<u>200459</u>	Applicant's Form Identifier	<u>4861024733</u>
Contact Person	<u>John Cizcone</u>	Phone Number	<u>202-245-3066</u>

Block 2: Early Filing Information and CIPA Waiver Requests

6a. Early Filing

CHECK THE BOX BELOW IF THE FRNS ON THIS FORM 486 ARE FOR SERVICES STARTING **ON OR BEFORE** JULY 31 OF THE FUNDING YEAR.



The Funding Requests listed in Block 3 have been approved by SLD as shown in my Funding Commitment Decision Letter (FCDL). I have confirmed with the service provider(s) featured in those Funding Requests that these services will start on or before July 31 of the Funding Year.

Remember: Early filing using Item 6a is an option if and **ONLY** if services will start within the month of July of the relevant Funding Year, all relevant certifications in Block 4 can be accurately made, and the Form 486 is postmarked on or before July 31 of the Funding Year.

6b. CIPA Waiver

CHECK THE BOX BELOW IF YOU ARE REQUESTING A WAIVER OF CIPA REQUIREMENTS FOR THE SECOND FUNDING YEAR AFTER APRIL 20, 2001 IN WHICH YOU HAVE APPLIED FOR DISCOUNTS IF YOU AS THE BILLED ENTITY ARE THE ADMINISTRATIVE AUTHORITY.



I am providing notification that, as of the date of the start of discounted services, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the schools or libraries represented in the Funding Request Number(s) on this Form 486 will be brought into compliance with the CIPA requirements before the start of the Third Funding Year after April 20, 2001 in which they apply for discounts.

6c. CIPA Waiver for Libraries for Funding Year 2004

CHECK THE BOX BELOW IF YOU ARE REQUESTING A WAIVER OF CIPA REQUIREMENTS FOR FUNDING YEAR 2004 IF YOU AS THE BILLED ENTITY ARE THE ADMINISTRATIVE AUTHORITY FOR THE LIBRARY(IES) REPRESENTED ON THIS FORM 486.



I am providing notification that, as of the date of the start of discounted services in Funding Year 2004, I am unable to make the certifications required by the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), because my state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification(s) otherwise required. I certify that the libraries represented in the Funding Request Number(s) on this Form 486 will be brought into compliance with the CIPA requirements before the start of the Funding Year 2005.



Entity Number 200459Applicant's Form Identifier 4861024733Contact Person John CILCONPhone Number 202-298-3016**Block 3: Service Information**

7. Please provide the following information for each Form 471 Block 5 (Discount Funding Request) Item for which the Billed Entity is indicating that the named service provider may begin submitting invoices to SLD. You will need your FCDL for some of the information required below.

Remember: The FRNs listed below must be from the same Funding Year as is listed in Block 1, Item 3.

If you need additional pages, please label them 4A, 4B, 4C, etc. and indicate the number in the space provided here: Page 4

	(A) 471 Application Number From FCDL	(B) Funding Request Number (FRN) From FCDL	(C) Billing Account Number (if contained on your FCDL)	(D) Service Provider Name From FCDL	(E) Service Provider Identification Number (SPIN) From FCDL	(F) Funding Year Service Start Date* (Earliest Date that Discounts Will Begin) (*Cannot be before July 1 of the Funding Year for which you are requesting discounts.)
1	312552	1024733		Intosys Services	143021125	07012003
2	312552	1024759		Intosys Service	143021125	07012003
3	312552	1024798		Intosys Service	143021125	07012003
4	312552	1024832		Intosys Service	143021125	07012003
5	312552	1024869		Intosys Service	143021125	07012003
6						
7						
8						



Entity Number	<u>800859</u>	Applicant's Form Identifier	<u>4861024733</u>
Contact Person	<u>John Ciccone</u>	Phone Number	<u>202-246-3016</u>

Block 4: Certifications and Signature

8. I certify that the technology plan(s) for the services received as indicated on this Form 486 have been approved as necessary. Fill in the name(s) of the organization(s) that reviewed and approved a technology plan for any eligible entity that is receiving services covered under this form; attach an additional list if necessary. If ALL of the FRNs listed herein are for basic telephone service only, write in "none" here.

THE DC PUBLIC CHARTER SCHOOL
BOARD

9. I certify that the services listed on this Form 486 have been, are planned to be, or are being provided to all or some of the eligible entities identified in the Form 471 application(s) cited above. I certify that there are signed contracts covering all of the services listed on this Form 486 except for those services provided under tariff or month-to-month arrangements. I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
10. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services. I recognize that I may be audited pursuant to this application and will retain for five years any and all records, including Forms 479 where required, that I rely upon to complete this form and, if audited, will make available to the Administrator such records.

NOTES FOR COMPLETING THE CERTIFICATIONS IN ITEM 11

A Billed Entity who is the Administrative Authority must check Item 11a or 11b or 11c. Check only ONE item. If the Billed Entity is not the Administrative Authority, skip to Item 11d.

A Billed Entity who represents one or more Administrative Authorities must check Item 11d or 11e. (See the Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities.")

A Billed Entity who represents one or more Administrative Authorities in Funding Years after Funding Year 2001 and who checks Item 11d must check Item 11f or 11g. (See the Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities.")

IF THIS FORM PERTAINS TO A FUNDING YEAR PRIOR TO FUNDING YEAR 2001 (THE FUNDING YEAR BEGINNING JULY 1, 2001), SKIP TO ITEM 12.



9/2/01

Entity Number 200459 Applicant's Form Identifier 4861024733
 Contact Person John Ciccone Phone Number 202-248-3016

11. FOR A BILLED ENTITY WHO IS THE ADMINISTRATIVE AUTHORITY:

I certify that as of the date of the start of discounted services:

- a. ☒ the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 has (have) complied with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).
- b. ☐ pursuant to the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), the recipient(s) of service represented in the Funding Request Number(s) on this Form 486:
- (FOR SCHOOLS and FOR LIBRARIES IN THE FIRST FUNDING YEAR FOR PURPOSES OF CIPA) is (are) undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA for the next funding year, but has (have) not completed all requirements of CIPA for this funding year.
- (FOR FUNDING YEAR 2003 ONLY: FOR LIBRARIES IN THE SECOND OR THIRD FUNDING YEAR FOR PURPOSES OF CIPA) is (are) in compliance with the requirements of CIPA under 47 U.S.C. § 254(l) and undertaking such actions, including any necessary procurement procedures, to comply with the requirements of CIPA under 47 U.S.C. § 254(h) for the next funding year.
- c. ☐ the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), does not apply because the recipient(s) of service represented in the Funding Request Number(s) on this Form 486 is (are) receiving discount services only for telecommunications services.

FOR A BILLED ENTITY WHO REPRESENTS ONE OR MORE ADMINISTRATIVE AUTHORITIES¹:

- d. ☐ I certify as the Billed Entity for the consortium that I have collected duly completed and signed Forms 479 from all eligible members of the consortium.
- e. ☐ I certify as the Billed Entity for the consortium that the only services that have been approved for discounts under the universal service support mechanism on behalf of eligible members of the consortium are telecommunications services, and therefore the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), do not apply.

For Funding Years after Funding Year 2001: If you checked Item 11d above, check ONE of the boxes below:

- f. ☐ I certify that some or all of the eligible consortium members checked Form 479 Item 6d or Item 6e to seek a CIPA Waiver, and upon request from the Administrator I can provide this information; OR
- g. ☐ I certify that no eligible consortium members checked Form 479 Item 6d or Item 6e to seek a CIPA Waiver.

The certification language above is not intended to fully set forth or explain all the requirements of the statute.

¹ See the Form 486 Instructions for Item 11, "Special Notes for Billed Entities Who Represent One or More Administrative Authorities."



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FCC Form
486

Do Not Write In This Area

Approval by OMB
3060-0853

Entity Number 200459 Applicant's Form Identifier 4861024133
 Contact Person John CICCONI Phone Number 202-248-3016

I certify that I am authorized to submit this receipt of service confirmation on behalf of the above-named Billed Entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

12. Signature of authorized person

13. Date

14. Printed name of authorized person

15. Title or position of authorized person

16a. Street Address, P.O. Box, or Route Number

City

State

Zip Code

16b. Telephone number of authorized person

Extension

16c. Fax number of authorized person

16d. Email address of authorized person

Please submit this form to:

SLD-Form 486
 P. O. Box 7026
 Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, send this form to:

SLD-Form 486
 c/o Ms. Smith
 3833 Greenway Drive
 Lawrence, Kansas 66046
 888-203-8100



EXHIBIT FIVE

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USAC

The Universal Service Administrative Company

[Home](#)
[High Cost](#)
[Low Income](#)
[Rural Health Care](#)
[Schools & Libraries](#)

SL Main - Reference Area

Certified Technology Plan Approvers Results

State: DC, Entity Type: PUBLIC

1. DC Public Charter School Board

SLD Certification Date - 12/12/00

Primary Contact

Name: Ino Okoawo
 Title: Office Administrator
 Address: 1436 U St. NW Suite 401
 Washington, D.C. 20009
 Phone: (202) 328-2660
 Fax: (202) 328-2661
 E-Mail: okoawo@dcpubliccharter.com

Alternate Contact

Name: Bridget Bradley Gray
 Title: School Performance and Evaluation Manager
 Address: 1436 U St. NW Suite 401
 Washington D.C. 20009
 Phone: (202) 328-2660
 Fax: (202) 328-2661
 E-Mail: bgray@dcpubliccharter.com

Notes: Please be advised you should only contact this organization if you are a member school.

[New Search](#)

Content Last Modified: May 2, 2003

Overview

- About the SLD

Training & Outreach

- 2005 Training
- WebEx Recordings
- Training Presentations
- Submit a Question
- Site Visits
- Schools & Libraries News Briefs

Applicants

- Process Flowchart
- Time Table/Deadlines
- Audits

Service Providers

- Conference Calls
- Provider Manual
- Invoicing
- Disbursements
- Audits

Tools

- Commitments Search
- Data Requests
- Form 471 Application Status
- Billed Entity Search
- SPIN Search
- ERN Extensions
- Eligible Products Database

Forms

- Applicants PIN Request System
- Apply Online
- Applicant Forms
- Provider Forms

We are in the process of redesigning our website to provide you with easier access to information and tools. Stay tuned.

QUICK LINK

- Apply Online**
- Reference Area
- Appeals
- Eligible Service List
- Changes & Corrections
- Suspensions & Debarments
- Site Visits

SITE SEARCH

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CONTACT INFO

- Submit a Question**
- Contact Us
- Whistleblower Hotline - Rep. Waste, Fraud Abuse

SITE HELP

- Site Map
- Site Tour
- Website Policy



Need help? You can contact us toll free at 1-888-203-8100.
Our hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.
Aware of fraud, waste, and abuse, report it to our [Whistleblower Hotline!](#)

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EXHIBIT SIX



District of Columbia Public Charter School Board

May 21, 2002

Josephine Baker
Chair

Thomas A. Loughlin
Vice Chair

Hopie Hill

Joseph F. Norling

Dora Marcus

Sostriz (BB) Otero

J.E. (Bernie) Walker

Ms. Charlise Biard
Head of School
SEED Public Charter School of
Washington, DC
4300 C St., SE
Washington, DC 20019

Dear Ms. Biard:

This letter serves to inform you that in its public meeting held on May 20, 2002, the District of Columbia Public Charter School Board unanimously approved the E-rate plan submitted by SEED Public Charter School.

Sincerely,

Tamara A. Lumpkin
Acting Executive Director

cc: Eric Adler
Joshua Edelman
John Ciccone

1438 U Street, NW
Suite 401
Washington, DC 20009

Phone: 202-328-2880
Fax: 202-328-2881
www.dcpubcharter.com

EXHIBIT SEVEN

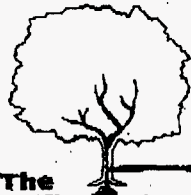
Fax:

*** Transmit Conf. Report ***

P.1

Oct 28 2003 10:43

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The
SEED Public Charter School of Washington, D.C.

FACSIMILE TRANSMITTAL

To:	Laurie	Fax:	888-276-8736
From:	John Ciccone Assistant Head of School Fax No. 202-248-3021 Voice No. 202-248-3016	Date:	10/29/03
Re:	SEED School TECH PLAN APPROVAL CASE No. 1-3719634	Pages:	2 Including Cover
CC:			
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

After speaking with an SLD representative this morning, I am fixing the approval letter from The DC

Public Charter School Board. This letter also was sent to the SLD last year for our Year 5 application.

Please call me if you have further questions or need additional information.

This fax transmission may contain information which may be confidential, subject to privilege or exempt from disclosure under applicable law. These materials are intended only for the use of the intended recipient. If you are not the intended recipient of this transmission you are hereby notified that any distribution, disclosure, printing, copying, or use of the contents of any action in reliance upon this transmission is



District of Columbia Public Charter School Board

May 21, 2002

Josephine Baker
Chair

Thomas A. Loughlin
Vice Chair

Nepo Hill

Joseph F. Horning

Dara Marcus

Beatriz (BB) Otero

J.E. (Bernie) Walker

Ms. Charlesie Biard
Head of School
SEED Public Charter School of
Washington, DC
4300 C St., SE
Washington, DC 20019

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Tamara A. Lumpkin
Acting Executive Director

cc: Eric Adler
Joshua Edelman
John Ciccone

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Suite 401
Washington, DC 20009

Phone: 202-328-2820
Fax: 202-328-2881
www.dcpublschools.com